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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/986,956	11/13/2001	Manuel Barbosa	11017-0006	6385

7590

12/04/2002

CLARK & BRODY

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EXAMINER

NGUYEN, XUAN LAN T

ART UNIT

PAPER NUMBER

3683

DATE MAILED: 12/04/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/986,956

Applicant(s)

BARBOSA, MANUEL

Examiner

Lan Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 November 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.

- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-164)
- 6) ☐ Other: \_\_\_\_

*[Signature]*  
CHRISTOPHER P. SCHWARTZ  
PRIMARY EXAMINER

## DETAILED ACTION

### *Drawings*

1. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 4, 7 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Chouings.

Chouings shows a brake system in figure 4, as in the present invention, comprising: a back plate 187; first and second actuating levers/shoes 175, 176; first anchor 185 fixed to said back plate; upper anchor 177 engages an upper end of one brake shoe; an activating element 183; and the operation of the brake system as claimed in column 7, lines 18-61.

Re: claim 4, Chouings shows in column 1, lines 20-24 that the compound shoes would have inner parts and outer parts. These parts are inherently secured to each other by pins in order to facilitate movement between them.

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Re: claims 7 and 10, the discussion of the rejection of claim 1 above meets all the limitations of claims 7 and 10.

4. Claims 5 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamamoto.

Yamamoto shows a brake system, as in the present invention, comprising: first and second actuating levers 52, 62; brake shoes 16, 18; a link 26; a parking lever 30 as claimed. Yamamoto further shows links 26 to be adjustable.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2, 3, 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chouings in view of Yamamoto.

Re: claims 2 and 3, Chouings' brake system, as discussion in the rejection of claim 1 above, lacks an adjuster and a parking lever wherein said parking lever is attached to one of the actuating levers and is engaged with the adjuster. Yamamoto teaches an adjuster 26 and a parking lever 30 wherein said parking lever 30 is attached to one of the actuating levers and is engaged with the adjuster 26. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Chouings' brake system with an arrangement comprising an adjuster and a

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parking lever wherein said parking lever is attached to one of the actuating levers and is engaged with the adjuster as taught by Yamamoto in order adjust the brake shoes in relation with the drum as the shoes wear.

Re: claims 8 and 9, Chouings' brake system, as discussion in the rejection of claim 7 above, lacks an adjuster and a parking lever wherein said parking lever is attached to one of the actuating levers and is engaged with the adjuster. Yamamoto teaches an adjuster 26 and a parking lever 30 wherein said parking lever 30 is attached to one of the actuating levers and is engaged with the adjuster 26. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Chouings' brake system with an arrangement comprising an adjuster and a parking lever wherein said parking lever is attached to one of the actuating levers and is engaged with the adjuster as taught by Yamamoto in order adjust the brake shoes in relation with the drum as the shoes wear.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Goepfrich and Yoak et al. show other brake systems.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lan Nguyen whose telephone number is 703-308-8347. The examiner can normally be reached on M-F, 9 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Lavinder can be reached on 703-308-3421. The fax phone numbers

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for the organization where this application or proceeding is assigned are 703-305-7687  
for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or  
proceeding should be directed to the receptionist whose telephone number is 703-306-  
4177.

XLN

XLN  
November 29, 2002

CHRISTOPHER P. SCHMIDT  
PRIMARY EXAMINER  
